

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIT AUGBORNE, III,

Case No. 2:20-cv-00295-ART-VCF

Plaintiff,

ORDER

v.

HDSP, *et al.*,

Defendants.

Pro se Plaintiff Brit Augborne, III brings this action under 42 U.S.C. § 1983. Before the Court are: (1) the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Cam Ferenbach (ECF No. 44), recommending dismissal of this action for failure to comply with Court orders and failure to prosecute; (2) Defendants’ motion to stay dispositive motion deadlines (ECF No. 45); and (3) Defendants’ motion for summary judgment (ECF No. 46). Plaintiff had until November 16, 2022 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and dismisses this action.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the

1 record in order to accept the recommendation.”).

2 Because there is no objection, the Court need not conduct de novo review,
3 and is satisfied Judge Ferenbach did not clearly err. Here, Judge Ferenbach
4 recommends dismissal of this action for failure to comply with Court orders (ECF
5 Nos. 24, 28, 32, 40, 41, 42, 43) and for failure to prosecute by Plaintiff. (ECF No.
6 44 at 5.) The Court agrees with Judge Ferenbach. Plaintiff has failed to appear
7 multiple times for hearings to determine the status of this case. (ECF Nos. 30,
8 36, 41.) The Court has ordered that filings in this case be mailed to Plaintiff at
9 multiple addresses to ensure Plaintiff’s ability to participate in this action. (*E.g.*,
10 ECF No. 42.) Having reviewed the R&R and the record in this case, the Court will
11 adopt the R&R in full.

12 It is therefore ordered that Judge Ferenbach’s Report and Recommendation
13 (ECF No. 44) is accepted and adopted in full.

14 It is further ordered that this case be dismissed for failure to comply with
15 Court orders (ECF Nos. 24, 28, 32, 40, 41, 42, 43) and failure to prosecute.

16 It is further ordered that Defendants’ motion to stay dispositive motion
17 deadlines (ECF No. 45) and motion for summary judgment (ECF No. 46) are
18 denied as moot.

19 The Clerk of Court is directed to administratively close this case.
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22 DATED THIS 26th day of April 2023.
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26 ANNE R. TRAUM
27 UNITED STATES DISTRICT JUDGE
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